

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>RESONANT SENSORS INCORPORATED</b>	§	
	§	
<b>and</b>	§	
	§	
<b>RESONANT OPTICS INCORPORATED</b>	§	<b>Civil Action No. 08-cv-01978</b>
	§	
<i>Plaintiffs,</i>	§	
	§	
<b>v.</b>	§	
	§	
<b>SRU BIOSYSTEMS, INC.</b>	§	
	§	
<i>Defendant.</i>	§	
	§	

**NOTICE OF FILING NONCONFIDENTIAL APPENDIX**

**Filed in Connection With**

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO  
DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT**

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and  
RESONANT SENSORS INCORPORATED

The undersigned hereby declares under penalty of perjury that the Exhibits in this Appendix, listed below, are true and correct copies.

1. First Amended Complaint and Jury Demand.
2. Patent License Agreement, dated October 14, 2004 (CONFIDENTIAL – SUBMITTED UNDER SEAL – OMITTED FROM PUBLIC VERSION).
3. Webpages from Resonant Sensors Inc. website, “resonantsensors.com,” entitled “Tagless Biosensor – VIDES <sup>TM</sup> Benchtop Sensor Systems and Software.
4. SRU Biosystems, Inc. webpages from “srubiosystems.com,” dated 1/4/2009.
5. Amendments Nos. 1 and 2 to Patent License Agreement, dated September 11, 2006 and July 2, 2008 (CONFIDENTIAL – SUBMITTED UNDER SEAL – OMITTED FROM PUBLIC VERSION).
6. Article entitled “Resonant Sensors Incorporated Receives Recognition of Excellence in Innovation Certificate from U.S. Department of Commerce”.
7. American Drug Discovery, Vol. 3, Issue 4, June/July 2008 and Drug Discovery World, Vol. 9, Issue 3, Summer 2008.
8. Email from American Drug Discovery [circulation@russpub.com](mailto:circulation@russpub.com) to Debra Wawro, [wawro@resonantsensors.com](mailto:wawro@resonantsensors.com), dated January 8, 2009, and attached American Drug Discovery summary of “webinar” sponsored by SRU Biosystems, Inc..
9. Webpages from “srubiosystems.com/products/reg\_form.html” including “Download Literature Registration Form,” with fill-in form for customer information and check-boxes for BIND product literature.
10. Letter from John J. McDonnell to Theodore F. Shiells, dated April 2, 2008.

11. United States Patent No. 7,400,399 entitled “Methods For Using Resonant Waveguide-Grating Filters and Sensors,” Wawro et al., granted July 15, 2008, based on provisional application filing date of November 5, 1999.
12. United States Patent No. 6,951,715, entitled “Optical Detection of Label-Free Biomolecular Interactions Using Microreplicated Plastic Sensor Elements,” Cunningham et al., granted October 4, 2005, based upon provisional application filing date of October 30, 2000.
13. Texas Biotechnology Industry Report, page 5.
14. Article entled “Biotechnology and Life Sciences Industry Cluster”.

Date: March 2, 2009

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**CERTIFICATE OF SERVICE**

I hereby certify that this document has been served upon all counsel of record by means of the Court's ECF system, on this day, March 2, 2009.

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/s/ Theodore F. Shiells

Theodore F. Shiells